

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KYONG MI, HONG,

Plaintiff,

-against-

JUSTIN SUN; TRON FOUNDATION
LIMITED; BITTORRENT FOUNDATION,
LTD.,

Defendants.

23-CV-5500 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR AMENDED IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

By order dated July 27, 2023, the Court directed Plaintiff to either pay the fees or submit an IFP application. On September 11, 2023, Plaintiff submitted an IFP application, but his responses do not establish that he is unable to pay the filing fees. Plaintiff states that he is currently employed, making \$4,516.37 a month. (*See* ECF 7.) He states that he has no other income, but he does not provide answers to the remaining questions on the IFP application. He does not provide information regarding money in cash or a bank account, any property or assets he may own, his monthly expenses, including expenses for housing and transportation, any dependents he may have, or any debts or financial obligations. Because Plaintiff does not provide this information, the Court is unable to conclude that Plaintiff is unable to pay the filing fees.

Accordingly, within 30 days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit an amended IFP application. If Plaintiff submits the amended IFP

application, it should be labeled with docket number 23-CV-5500 (LTS), and address the deficiencies described above by answering all applicable questions and providing facts to establish that he is unable to pay the filing fees. If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: September 14, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge